

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

DIANA SYLVIA
567 E. Stanton Avenue
Columbus, Ohio 43214

and

BETTY FOSTER
567 E. Stanton Avenue
Columbus, Ohio 43214

and

CHRISTEL COOK
569 South Wheatland Avenue
Columbus, Ohio 43204

and

UNKNOWN TENANTS OF
569 SOUTH WHEATLAND AVENUE
569 South Wheatland Avenue
Columbus, Ohio 43204

and

CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

Case No. 2022 EVH 60054

Judge Stephanie Mingo

REAL PROPERTY AT
569 SOUTH WHEATLAND AVENUE
569 South Wheatland Avenue
Columbus, Ohio 43204

Respondents-Defendants.

Parcel No. 010-065867

AGREED PRELIMINARY INJUNCTION

This matter came before the Court on February 9th, 2021, on Relator's request for a for Preliminary Injunctive Relief. Relator-Plaintiff, City of Columbus was represented by Zach Gwin and on behalf of Respondent-Defendant, Betty Foster appeared pro se on behalf of the Real Property at 569 South Wheatland Avenue. For purposes of the agreed preliminary injunction, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 569 South Wheatland Avenue, Columbus, Ohio, Parcel No. 010-065867 ("the Premises"). On information and belief, Relator asserts the following:

1. The Premises is a single family home located on the west side of the City of Columbus in the Hilltop neighborhood.
2. The Premises came to the attention of the Columbus Police Department ("CPD") in 2021.
3. On November 15, 2021, CPD Investigative Tactical ("INTAC") Detectives, with the assistance of a confidential informant, conducted a controlled purchase of crack cocaine at the Premises. The informant went to the rear door of the Premises and was met by a female who stated that "King only has hard" and let the informant inside. The informant then proceeded to exchange prerecorded funds for crack cocaine with a male sitting at a nearby table.

4. Again on November 15, 2021, CPD INTAC Detectives conducted another covert purchase of crack cocaine from the Premises.
5. On November 16, 2021, CPD INTAC Detectives, with the assistance of a confidential informant, conducted a controlled purchase of crack cocaine from the Premises.
6. Also on November 16, 2021, INTAC Detectives executed a search warrant at the Premises. No narcotics were found inside the Premises but multiple individuals with narcotics related offenses were identified.
7. On November 30, 2021, a neighbor reported that he had been robbed. Upon arrival, officers discovered that the victim had already been transported to Grant Medical Center by CFD. At the hospital, the victim told officers he had been sleeping at a residence on South Wheatland Avenue when he was awoken by two suspects beating him with pistols. The victim stated he did not recognize the suspects but that they both had semi-automatic handguns. The victim later picked out 569 South Wheatland Avenue as the location of the incident. The victim initially provided officers with a false name and social security number and it was later determined that he had warrants for his arrest out of Madison County.
8. On December 14, 2021, Respondent-Defendant Betty Foster filed an eviction against Respondent-Defendant Christel Cook. The eviction proceeded and Betty Foster was granted a writ of restitution and set out for the Premises. Upon information and belief, this set out had not occurred and Betty Foster will not be proceeding with the set out.
9. On January 2, 2022, Officers were dispatched to 569 South Wheatland Avenue on report of an unknown complaint regarding an individual chained up in the basement of the home. Officers made contact with an individual in the home who refused entry and stated that there was no one else in the residence. Officers were aware that INTAC had recently executed a

warrant at the home and could hear other individuals inside. Officers surveilled the house for a short period of time and observed a female exit the home. The individual stated that there was no one chained up in the basement but the residence is used for drug sales. Officers conducted additional research and found a run that stated there was an open line with a female begging to leave.

10. On January 18, 2022, CPD officers came into contact with an individual that stated he had been robbed of a coat, book bag, and cell phone, at the Premises. The individual stated that he had been drinking and smoking at the residence and admitted that the house was probably a "trap" house. Officers noted that the alleged victim appeared to be under the influence of an unknown substance.
11. The Premises, and specifically the illegal narcotics activity at the property, constitute an imminent danger for those at and around the Premises.
12. Failing to immediately padlock the property after the execution of the *ex parte*
13. temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.
14. *Ex parte* closure of the property is necessary in order to prevent destruction or
15. removal of contraband or other property.
16. Prior notification of the temporary restraining order could pose a danger to the
17. physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the

community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of the Premises be forcibly removed from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 569 South Wheatland Avenue, Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

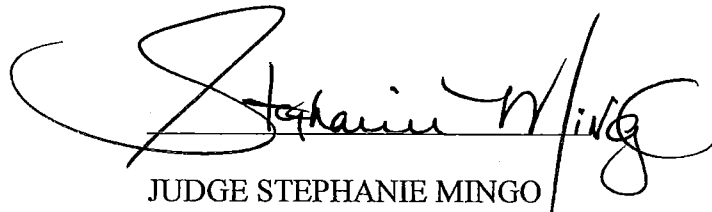
This case is continued for a status conference on the 18th day of April, 2022 at 1: pm in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

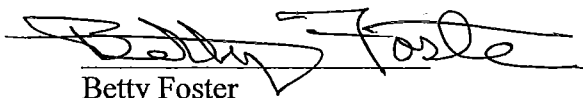
This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

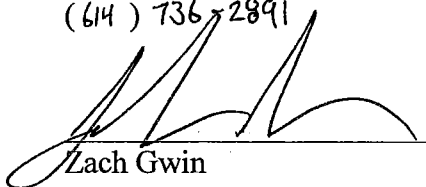
2-9-22

DATE


JUDGE STEPHANIE MINGO



Betty Foster
567 East Stanton Avenue
Columbus, Ohio 43214
(614) 736-2891



Zach Gwin
Columbus City Attorney Zach Klein's Office
375 S. High St., 17th Floor
Columbus, OH 43215
Direct: 614-645-8928